



Ninety-Seventh Legislature - First Session - 2001
Committee Statement
LB 270

Hearing Date: January 25, 2001

Committee On: Health and Human Services

Introducers: (Hudkins)

Title: Provide for licensure for acupuncturists

Roll Call Vote – Final Committee Action:

Advanced to General File

X Advanced to General File with Amendments

Indefinitely Postponed

Vote Results:

6	Yes	Senator Jensen, Byars, Suttle, Cunningham, Maxwell and Erdman
1	No	Senator Price
	Present, not voting	
	Absent	

Proponents:

Senator Carol Hudkins
Barbara Mitchell
Beverly Benes
Karl Anderson
Shelden LeBron
B.J. Dennis
David Buntain
Debby Durham

Representing:

Introducer
Acupuncture and Oriental Medicine Alliance
NE Oriental Medicine Association
NE Oriental Medicine Association
NE Oriental Medicine Association
American Massage Therapy Association
NE Medical Association
NE Oriental Association

Opponents:

Dr. Thomas Rohrick
Dr. Kenneth Love
Lynette Trejo
John DeCamp

Representing:

NE Chiropractor Physicians Association
NE Chiropractor Physicians Association
NE Chiropractor Physicians Association
NE Chiropractor Physicians Association

Neutral:

Representing:

Summary of purpose and/or changes: The bill is essentially a reintroduction of LB 981 (1999) as it was advanced from the committee during the 2000 session. The bill provides for the licensure and regulation of acupuncturists under the Uniform Licensing Law (ULL).

The bill defines acupuncture as "the insertion, manipulation, and removal of acupuncture needles and the application of manual, mechanical, thermal, electrical, and electromagnetic treatment to such needles at specific points or meridians on the human body for the promotion, maintenance, and restoration of health and the treatment of disease, based on traditional and modern oriental medical principles. Acupuncture may include the recommendation of therapeutic exercises, dietary guidelines, and nutritional support to promote the effectiveness of the acupuncture treatment. Acupuncture does not include manipulation, mobilization or adjustment to the spine, extraspinal manipulation, or the practice of medical nutrition therapy."

The bill excludes other health care practitioners licensed under the ULL practicing acupuncture within the scope of their profession, students practicing acupuncture under the supervision of a licensed acupuncturist as part of a course of study approved by the department, or the supervised practice of acupuncture by an acupuncturist licensed a certified in another jurisdiction in an approved educational seminar.

The bill prohibits acupuncture practice without a prior letter of referral or a medical diagnosis and evaluation, and prohibits the practice of acupuncture on any person without their voluntary informed consent. Information provided in connection with obtaining such informed consent must include the following: (1) the distinctions and differences between the practice of acupuncture and traditional western medicine; (2) disclosure that an acupuncturist is not credentialed to practice medicine or to make a medical diagnosis of the person's disease or condition, and that a physician should be consulted for such medical diagnosis; (3) the nature and the purpose of the acupuncture treatment; and (4) any medical or other risks associated with such treatment.

The bill requires an applicant for licensure to practice acupuncture to provide documentation that (1) the applicant has current active status as a diplomate in acupuncture of the National Certification Commission for Acupuncture and Oriental Medicine or its successor organization or is currently credentialed in good standing to practice acupuncture in another jurisdiction with standards at least as stringent as those in this state; and (2) completion of a course in clean needle technique approved by the commission.

The amendment provides for the issuance of a limited acupuncture license for up to one year to a person teaching in a school of acupuncture who has at least five years of experience as a licensed acupuncturist in good standing in another jurisdiction. Such license may be renewed for an additional year. The fee for such license shall be the same as that provided in section 71-162.

The bill creates the Acupuncturist Fund.

Explanation of amendments, if any: The committee amendment replaces the term "traditional and modern oriental medical principles" in the acupuncture definition in the bill with the term "acupuncture theory."

Senator Jim Jensen, Chairperson